

income received from all business done by it within this State during said quarter, and such funds shall be used to meet the expenses of the Commission as hereinbefore provided.

Article VII.

Section 1. Any patron of any utility herein defined, subject to the regulatory jurisdiction of any incorporated city or town, may apply to the governing body thereof for a reduction in rates, which shall be acted on by said governing body within twenty days, and if refused, he shall have the right of appeal to the Commission under such rules and regulations as the Commission may prescribe, provided that such application, as to present existing rates, shall be made within six months after this act shall go into effect, and as to rates thereafter fixed, within three months thereafter, and provided further that should said governing body fail or refuse to so act within twenty days as above set forth, then the same shall be deemed to have been refused.

Sec. 2. Any incorporated city or town having regulatory jurisdiction may invoke the assistance and facilities of the Commission in determining and fixing rates whenever deemed necessary or proper.

Sec. 3. No corporation, except one chartered under the laws of Texas, shall be authorized or permitted to construct, build, operate, acquire, own or maintain any public utility within this State.

Sec. 4. Every public utility operating in this State shall keep and maintain permanently its general offices in this State.

Sec. 5. All books, records and other documents in any way relating to the business or property of every utility operating in this State shall be kept at the general offices of such utility in Texas and they shall be kept open for inspection and examination to the agent of any duly constituted regulatory body in this State.

Article VIII.

Should any section, article, provision or part of this Act be declared to be unconstitutional and void by a court of competent jurisdiction such

decision shall in no way affect the validity of any of the remaining parts of this Act unless the part held void is indispensable to the operation of the remaining parts. The Legislature hereby declares that it would have passed those parts of this Act which are valid and omitted any parts which may be unconstitutional if it had known that such parts were unconstitutional at the time of the passage of this Act.

Article IX.

This Act shall be so interpreted and construed as to effectuate its general purpose. All existing statutes covering the matters embraced in this Act are hereby repealed and all acts and parts of acts now in effect which are inconsistent with the provisions of this Act are hereby repealed, but no law now or hereafter enacted, requiring other reports of such utilities to be filed with other State, County or municipal officers or bodies, shall be repealed, or affected thereby, and provided further that the Statutes of this State relating to railroads and the regulation thereof are not repealed or modified in any way except as hereinbefore expressly set out.

Article X.

The public importance of the purpose herein contemplated creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read upon three several days in each House and the said rule is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, May 16, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.
Berkeley.

Cousins.
Cunningham.

DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Thomason.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Cousins.

S. B. No. 144, A bill to be entitled "An Act amending Chapter 3 of Title 116 of the Revised Civil Statutes of 1925 by adding Article 6736a so as to abolish road overseers in Hardin County and providing that the provisions of said Chapter nor any other law of this State whether General or Special requiring or authorizing road duty on the part of any person shall not apply to Hardin County; prescribing how road construction and maintenance shall be done in said county; and declaring an emergency."

The bill was read and referred to Committee on State Highways and Motor Vehicles.

Senator Excused.

On motion of Senator Pollard, Senator Thomason was excused for the day on account of sickness.

House Bill No. 28.

The Chair laid before the Senate as pending business the following bill:

H. B. No. 28, A bill to be entitled "An Act providing for the concentration of the Texas Prison system;

increasing the duties, powers and functions of the Texas Prison Board; providing for the construction and building of buildings and walls and the location of a new penitentiary; providing for the removal of prisoners; providing for the purchase and sale of land and the sale and manner thereof of property now controlled and used by the prison system; providing for purchase and sale of products by said system and also by the Board of Control for other State institutions and purposes; making an appropriation, and declaring an emergency."

The pending amendment by Senator Holbrook was read.

Senator Pollard moved the previous question on the amendment. The motion failed to receive the proper seconding.

Senator Stevenson sent up the following amendment to the amendment:

Amend the amendment to H. B. No. 28 by adding a new section as follows:

"Sec. 6a. In the event that the Penitentiary Commission recommends the construction of a central prison plant on lands other than those within the present Prison System, it shall also report, for the information of the Legislature, a plan including an estimate of the cost, for the construction of such a plant on lands now owned by the system, at the same time recommending the site that said commission believes most desirable on the present lands of said system."

STEVENSON.

The amendment was read and adopted.

S. C. R. No. 11.

Senator Witt sent up the following resolution:

Whereas, W. C. Davis received personal injuries on or about October 22, 1928, while an employee of the State of Texas, as one of the employees of the Highway Department of this State, and

Whereas, The State of Texas, through its Highway Department is not permitted, under the Constitution and laws of this State to pay the said W. C. Davis his damages caused by such injury, and,

Whereas, W. C. Davis desires to

bring suit against the State of Texas to recover his damages, now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that permission be and the same is hereby granted to W. C. Davis to sue the State of Texas in one of the district courts of McLennan County, Texas, on its said claim, and the State of Texas, acting herein by and through its Legislature consents that it may be sued by W. C. Davis on the above mentioned claim in one of the district courts of McLennan County, Texas, citation in said suit shall be served on the Chairman of the State Highway Commission; be it further

Resolved That should the said W. C. Davis recover a judgment against the State of Texas in such suit, that the judgment thus obtained, if any, shall be paid by the State through its Highway Commission out of any fund heretofore or hereafter appropriated to or for the use of the Highway Department of the State of Texas; be it further

Resolved, That said W. C. Davis shall give the necessary cost bond as in other civil suits, and either party shall have the right of appeal from any judgment rendered in the court in which said suit might be filed, be it further

Resolved, That a certified copy of this resolution, when presented to the district court in which the suit is pending, shall be conclusive evidence that the State has granted permission to said W. C. Davis to sue it on said claim and that the State has consented to be sued by said W. C. Davis on said claim.

WITT.

The resolution was read and adopted.

Committee Appointed.

The Chair appointed Senators Holbrook and Hornsby to represent the Senate at the funeral of the late Governor Joseph D. Sayers.

Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, May 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 176, A bill to be entitled "An Act to safeguard the public in the purchase of pure-bred agricultural seed true to name; providing that the State Board of Plant Breeder Examiners shall be hereafter known as the State Seed and Plant Board; further defining their duties; establishing a system of registration and certification for agricultural field crops; providing that the State Seed and Plant Board shall prescribe all necessary rules and regulations and pass upon the applications of breeders and growers for registration and certification; providing further, that the Commissioner of Agriculture shall make necessary inspections for the proper enforcement of said Act, and shall have printed tags placed upon the bags and other containers of agricultural field seed offered for sale under the terms of this Act, and shall charge a fee for same to enforce the provisions of this Act; prescribing penalties for the violation of said Act, providing that this Act shall be cumulative of Chapter 2, of Title 4, Volume I, Revised Civil Statutes of Texas of 1925, and declaring an emergency."

H. B. No. 196, A bill to be entitled "An Act amending Article 1377 of the Penal Code of Texas, as revised in 1925, providing for a more efficient law prohibiting hunting or fishing on the enclosed lands of another without the consent of the owner of the lands; and providing that this Act shall not apply to any of said enclosed lands, the owner of which has such lands leased at said time for hunting or fishing privileges for a greater sum than 25 cents per acre, or has charged any person a greater sum than \$4.00 per day per person for the privilege of hunting thereon in which any prosecution may be filed hereunder; providing for a penalty of a violation thereof and repealing Article 1378 of the Penal Code of Texas, as revised in

1925, and all laws in conflict herewith."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 10, Relating to the death and funeral of the late Joseph D. Sayers. The Speaker appoints the following committee in accordance therewith:

Acker, Sinks, Ackerman, Jenkins, and Maynard.

S. C. R. No. 8, Relating to the trip to South Texas by the Finance Committee of the Senate and the Appropriation Committee of the House.

S. C. R. No. 9, Providing for the printing of the appropriation bills between the called sessions.

With amendment.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee on H. B. No. 77 by a vote of 112 yeas and 8 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Wirtz:

S. B. No. 8, A bill to be entitled "An Act amending Chapter 156 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas of 1927, relating to Administrative Judicial Districts, by adding thereto sections to be numbered Sections 10A, 10B, and 10C, etc., and declaring an emergency."

With amendments.

Failed to pass to third reading.

By Senator Witt.

S. B. No. 9, A bill to be entitled "An Act validating the sale of real estate by Executors and Administrators when citation was published as provided in Chapter 179, Acts Regular Session 1927, being now Article 28 of the Revised Civil Statutes of Texas, 1925, etc., and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 24, A bill to be entitled "An Act to create Brazoria County Drainage District Number Three (3) in Brazoria County, Texas, etc., and declaring an emergency."

S. B. No. 25, A bill to be entitled "An Act to create Brazoria County Drainage District Number Four (4) in Brazoria County, Texas, etc., and declaring an emergency."

S. B. No. 26, A bill to be entitled "An Act to create Brazoria County Drainage District Number Nine (9) in Brazoria County, Texas, etc., and declaring an emergency."

S. B. No. 66, A bill to be entitled "An Act permitting counties having a certain population to employ dairying specialists; providing payment and declaring an emergency."

S. B. No. 87, A bill to be entitled "An Act authorizing the appointment of not exceeding two deputy sheriffs to be paid out of the general fund of the county; providing the manner of their appointment and providing for their salary; limiting the application of this Act to counties of more than 11,090 and less than 11,130 population according to the latest United States census, and counties of more than 4,935 and less than 4,380 according to said census; enacting other provisions incidental to the subject of the Act; and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee on S. B. No. 16 by a vote of 103 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 16, 1929.

Hon. Barry Miler, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 42. A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the re-purchase of public school land forfeited and reappraised under Chapter 94, etc., and declaring an emergency."

S. B. No. 44. A bill to be entitled "An Act renewing and extending oil and gas permits Numbers 8852, 8854, and 8859, issued by the Commissioner of the General Land Office of the State of Texas, on the 16th day of October, 1924, covering University lands in Pecos County, Texas, etc., and declaring an emergency."

S. B. No. 54. A bill to be entitled "An Act amending Section 9 of Chapter 9 of the General and Special Laws of the Regular Session of the Forty-first Legislature, relating to criminal district attorneys and assistants in certain counties and other matters incidental to said subject, so as to provide that said Chapter 9 shall not apply to any county in this State having two or more incorporated cities each having a population of more than 20,000 according to the latest United States census; and declaring an emergency."

S. B. No. 109. A bill to be entitled "An Act granting to and recognizing, ratifying and confirming authority of cities having a population of more than one hundred fifty thousand and less than one hundred sixty thousand, at the time of taking Federal Census of 1920, and operating under provision of the Home Rule Act, the power to provide for annexing additional territory according to such provisions as are contained in the Charter of such city; etc., and declaring an emergency."

S. B. No. 111. A bill to be entitled

"An Act providing that the State of Texas, through the Game, Fish and Oyster Commission, shall have power, right and authority to condemn and appropriate to the use of the State, land and water in Smith County, Texas, for the purpose of erecting, constructing, enlarging and maintaining fish hatcheries buildings, necessary equipments, roads and passageways to said hatcheries; etc., and declaring an emergency."

S. B. No. 104. A bill to be entitled "An Act to amend Art. 1645, Title 34 of the Revised Civil Statutes of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, etc., and declaring an emergency."

S. B. No. 114. A bill to be entitled "An Act amending Chapter 91 of the General Laws of the First Called Session of the Fortieth Legislature so as to provide that the provisions of said Chapter shall apply to counties in Texas having a population of not less than 55,710, and not more than 56,000, according to the Federal Census of 1920, and declaring an emergency."

S. B. No. 15. A bill to be entitled "An Act to create a more efficient road system for McLennan County, Texas, etc., and declaring an emergency."

S. B. No. 134. A bill to be entitled "An Act creating Brazoria County Drainage District No. 5."

H. B. No. 182. A bill to be entitled "An Act to provide more adequate compensation for county judges in counties which have voted road and bridge bonds amounting to six million dollars or more and in addition flood protection bonds amounting to one million dollars or more, and providing for the employment of a stenographer for such judges, and declaring an emergency."

H. B. No. 201. A bill to be entitled "An Act relating to the registration of vehicles used on the public highways; prescribing the license fees required for their registration; providing for the distribution and apportionment of license fees collected pursuant hereto, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motion to Concur.

On motion of Senator Pollard, the House amendment to S. C. R. No. 9 was concurred in.

House Bills Referred.

H. B. No. 76, referred to Committee on Agriculture.

H. B. No. 196, referred to Committee on State Affairs.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 207.

H. B. No. 105.

Special Order Set.

On motion of Senator Moore, S. B. No. 93 was set as special order for Friday afternoon at 2:15 o'clock.

Recess.

On motion of Senator Hornsby, the Senate, at 12:00 o'clock noon, recessed until 3:00 o'clock p. m.

After Recess.

The Senate met at 3:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Free Conference Report.

Senator Parr sent up the following Free Conference Committee Report.

Committee Room,
Austin, Texas.

Hon. Barry Miller, President of the Senate, and

Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, a majority of your conference committee, appointed by your respective bodies to consider and adjust the differences between the Senate and the House on H. B. No. 77, as amended and substituted by the Senate, have had same under consideration and beg to report thereon as follows:

The substitute bill as passed by the Senate was taken as the basis for discussion, and has been agreed to with changes and additions, and we

recommend that it be adopted as the Act of both Houses, with the following amendments, which have been agreed to by your committee:

No. 1. Strike out of the Senate amendment in Section 2, the following words in lines 11 and 12, on page 3 of the amendment: "has declared to be the Free Area and which has been released from quarantine by said Commission," and substitute in lieu thereof the following words: "may designate as the Free Area and is so proclaimed by the Governor."

No. 2. Strike out of line 16, page 3 of the Senate amendment, the following words and figures: "Section 3 of this Act, or as provided in Section 4 of."

No. 3. Strike out all of Section 3 of the Senate amendment and substitute the following:

"Sec. 3. The following counties and parts of counties in the State of Texas are hereby declared to be the Inactive Quarantined Area and are hereby quarantined because of tick infestation therein: Anderson, Angelina, Atascosa, all of Brazoria east of the Brazos River, Burleson, Cameron, Chambers, Cherokee, Duval, Fort Bend, Frio, Galveston, Grimes, Hardin, Harris, Hidalgo, Houston, Jasper, Jefferson, LaSalle, Lee, Leon, Liberty, Madison, Milam, Montgomery, McMullen, Nacogdoches, Newton, Orange, Panola, Polk, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Starr, Trinity, Tyler, Walker, Waller, Webb, Willacy and Zapata. It is hereby specially provided that the Live Stock Sanitary Commission shall designate for tick eradication to be proclaimed by the Governor immediately upon the taking effect of this Act, that part of Live Oak county which was heretofore designated for tick eradication by proclamation of the Governor under Chapter 122, Acts of the Regular Session of the Thirty-ninth Legislature, and all of Live Oak county not included in said designation is hereby declared to be a part of the Inactive Quarantined Area subject to designation for tick eradication by said Commission under provisions of this Act, at any time after the taking effect of this Act. It shall be unlawful, after the taking effect of this Act, for any cattle, horses, mules, jacks,

or jennets to be moved or permitted to move from or within said Inactive Quarantined Area except in accordance with the provisions of this Act, and particularly as contained in Section 27 hereof. The Live Stock Sanitary Commission is hereby authorized to designate for tick eradication any of the aforesaid counties and parts of counties and any county or part of county that may have ticks therein without an election being held for said purpose, or said Commission may designate any part of said counties for said purpose. Whenever the Live Stock Sanitary Commission designates any of the aforesaid counties or parts of counties for tick eradication, the same shall be proclaimed by the Governor of the State of Texas, which proclamation shall become and be in effect on and after date prescribed in said proclamation. A brief notice of said proclamation shall either be published in a newspaper in the county wherein tick eradication is to be conducted or posted at the court house door thereof. If only a part of a county is designated for tick eradication, said notice may be published in any newspaper in any part of said county or posted at the court house door, whether or not said court house is located in said part of county. Said notice shall be either published or posted at least ten full days before the date the proclamation is to become effective. In the event the same is not published or posted ten full days before the date prescribed for said proclamation to become effective, or in the event said prescribed date has already passed, then the proclamation shall become effective upon the expiration of ten full days from the date of said publishing or posting. The expense of the publishing or posting of such notices shall be paid by the county in which said proclamation is effective. The quarantine herein established on said Inactive Quarantined counties and parts of counties shall remain and continue in full force and effect after the taking effect of the proclamation of the Governor designating any of said counties or parts of counties for tick eradication, and in addition thereto the further effect of said procla-

mation with reference to quarantine shall be as provided in Section 4 of this Act. The Live Stock Sanitary Commission is hereby authorized to transfer, by proclamation of the Governor, counties and parts of counties from any area to another area whenever the same is deemed advisable or necessary and to establish necessary quarantines on lands, premises and live stock. The reestablishment of quarantine on any portion of a county in the Free Area need not be proclaimed by the Governor.

No. 4. Strike out all of Sections 4 and 5 of the Senate amendment, and renumber the subsequent sections accordingly.

No. 5. Strike out in Section 13, page 19, line 13 of the amendment, the following words: "on any of the dates," and substitute in lieu thereof the following words: "on any date."

No. 6. Insert after the word "Texas" in Section 2, page 27, line 36 the following: "at any time during the preceding sixty days."

No. 7. Insert in Section 23, page 29, line 3 of the Senate amendment after the word "Texas" the following: "because of tick infestation or exposure."

No. 8. Strike out of Section 35, page 41, lines 21 and 22 of the Senate amendment the following words and figures: "Sections 3 and 4," and insert in lieu thereof the words: "Section Three."

No. 9. Strike out of the caption of the Senate amendment the following words on page 2, lines 11 and 12: "providing for tick eradication elections in certain mentioned counties."

PARR,
WITT,
BERKELEY,
STEVENSON,
WOODUL.

On the part of the Senate.
METCALFE,
STEVENSON,
DUNLAP,
ACKERMAN,
JONES.

On the part of the House.

The report was read and adopted by the following vote:

Yeas—20.

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Woodul.

Nays—6.

Holbrook.	Parrish.
Hornsby.	Patton.
Moore.	Wirtz.

Absent.

Hardin.	Witt.
Russek.	Woodward.

Absent—Excused.

Thomason.

House Bill No. 28.

The question recurred upon the Holbrook amendment, as amended to H. B. No. 28.

The amendment was lost by the following vote:

Yeas—12.

Beck.	Neal.
Greer.	Parrish.
Holbrook.	Pollard.
Hyer.	Westbrook.
Love.	Witt.
Moore.	Woodul.

Nays—14.

Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Parr.
DeBerry.	Patton.
Gainer.	Small.
Hornsby.	Stevenson.
Martin.	Williamson.

Absent.

Thomason.

(Pairs Recorded.)

Senator Hardin (present), who would vote yea, with Senator Russek (absent), who would vote nay.

Senator Wirtz (present), who would vote nay with Senator Woodward (absent), who would vote yea.

Senator Witt moved the previous question on the engrossment of H.

B. No. 28 as amended. The motion was lost by the following vote:

Yeas—11.

Greer.	Neal.
Hardin.	Parrish.
Holbrook.	Westbrook.
Hornsby.	Witt.
Hyer.	Woodul.
Moore.	

Nays—14.

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Stevenson.
Martin.	Williamson.

(Pairs Recorded.)

Senator Love (present), who would vote yea with Senator Russek (absent), who would vote nay.

Senator Small (present), who would vote nay with Senator Thomason (absent), who would vote yea.

Senator Wirtz (present), who would vote nay with Senator Woodward (absent), who would vote yea.

Senator Pollard sent up the following amendment:

Amend H. B. No. 28, page 3, line 6, by inserting after the word "Board," in line six, the following:

"After specific legislative authority has been given."

POLLARD.

The amendment was read.

Senator Hornsby moved the previous question on the adoption of the amendment. The motion was lost by the following vote:

Yeas—10.

Beck.	Moore.
Greer.	Neal.
Hornsby.	Parrish.
Hyer.	Witt.
Love.	Woodul.

Nays—16.

Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Parr.
DeBerry.	Patton.
Gainer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Martin.	Williamson.

Absent—Excused.

Thomason.

Pairs Recorded.

Senator Westbrook (present), who would vote yea with Senator Russek (absent), who would vote nay.

Senator Wirtz (present), who would vote nay with Senator Woodward (absent), who would vote yea.

Senator Hyer moved the previous question on the amendment. The motion was lost by the following vote:

Yeas—12.

Beck.	Moore.
Greer.	Parrish.
Hardin.	Small.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Woodul.

Nays—16.

Berkeley.	Miller.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Patton.
Gainer.	Pollard.
Holbrook.	Stevenson.
Martin.	Wirtz.
McFarlane.	Witt.

Absent.

Russek.	Woodward.
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Absent—Excused.

Thomason.

On motion of Senator Love the previous question on the amendment and the passage of the bill to third reading was ordered.

The amendment was adopted by the following vote:

Yeas—15.

Berkeley.	Miller.
Cousins.	Moore.
Cunningham.	Neal.
DeBerry.	Patton.
Gainer.	Pollard.
Hardin.	Stevenson.
Hornsby.	Williamson.
Martin.	

Nays—8.

Beck.	Parrish.
Greer.	Westbrook.
Holbrook.	Witt.
Parr.	Woodul.

Pairs Recorded.

Senator Love (present), who

would vote nay with Senator Russek (absent), who would vote yea.

Senator McFarlane (present), who would vote yea with Senator Hyer (absent), who would vote nay.

Senator Small (present), who would vote yea with Senator Thomason (absent), who would vote nay.

Senator Wirtz (present), who would vote yea with Senator Woodward (absent), who would vote nay.

The bill as amended passed to third reading by the following vote:

Yeas—23.

Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Hornsby.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

Nays—2.

Beck.	Neal.
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Absent.

Hyer.

(Pairs Recorded.)

Senator Holbrook (present), who would vote nay with Senator Russek (absent), who would vote yea.

Senator Wirtz (present), who would vote yea with Senator Woodward (absent), who would vote nay.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 28 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	

Nays—1.

Holbrook.

Absent.

Russek.

Woodward.

Absent—Excused.

Thomason.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 28, by striking out the enacting clause in the Bill.

HOLBROOK.

The amendment was read.

Senator Pollard moved the previous question on the amendment and the final passage of the bill. The motion prevailed.

The amendment was lost.

The bill finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Hornsby.	Stevenson.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	

Nays—1.

Beck.

Absent—Excused.

Thomason.

(Pairs Recorded.)

Senator Holbrook (present), who would vote nay with Senator Russek (absent), who would vote yea.

Senator Wirtz (present), who would vote yea with Senator Woodward (absent), who would vote nay.

House Bill No. 151.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 151, A bill to be entitled "An Act amending Article 2691a of the Revised Civil Statutes of Texas, 1925, and providing for a rural

school supervisor in lieu of teachers institutes as required under Article 2691 and providing for the payment of the salary of said rural school supervisors in counties having a population of 34,700 to 35,000, according to the Federal census of 1920, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 151 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.

Woodward.

Thomason.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.

Woodward.

Thomason.

House Bill No. 161.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 161, A bill to be entitled "An Act creating a more efficient road system for Hopkins County, Texas, etc, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 161 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

House Bill No. 20.

Senator Hyer moved to take up out of its regular order the following bill:

By Mr. Duvall and Mr. Wallace:

H. B. No. 20, A bill to be entitled "An Act to provide a system of pardons and paroles; to create a Board to investigate and recommend to the Governor prisoners who should be pardoned or released on parole or on furlough; to provide for the supervision of prisoners released on parole; and making an appropriation to pay the salaries and defray the expenses of the board and its employees; enacting other things incidental to the subject of the act, and declaring an emergency."

Senator McFarlane raised the point of order that the bill had not been printed and laid on the Senators' desks 24 hours. The Chair ruled that the fact that it had been printed in the House satisfied the requirements concerning the printing of bills.

The motion to take up the bill prevailed by the following vote:

Yeas—25.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Woodul.
Martin.	Wirtz.
Miller.	Witt.
Moore.	

Nays—1.

McFarlane.

Absent.

Cunningham.	Hardin.
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Absent—Excused.

Russek.	Woodward.
Thomason.	

Senator Hornsby moved the previous question on the passage of the bill to third reading. The motion failed to receive the proper seconding.

The bill was read second time and passed to third reading.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 20 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Miller.	

Nays—1.

McFarlane.

Absent—Excused.

Russek.	Woodward.
Thomason.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Miller.	

Nays—1.

McFarlane.

Absent—Excused.

Russek.	Woodward.
Thomason.	

Senate Bill No. 136.

The Chair laid before the Senate on second reading the following bill:
By Senator Parr:

S. B. No. 136, A bill to be entitled "An Act creating Cameron County Water Improvement District No. 10."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 136 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward
Thomason.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

Senate Bill No. 139.

The Chair laid before the Senate on second reading the following bill:

By Senator Parr:

S. B. No. 139, A bill to be entitled "An Act creating Cameron County Improvement District No. 12."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 139 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

Senate Bill No. 141.

The Chair laid before the Senate on second reading the following bill:
By Senator Parr:

S. B. No. 141, A bill to be entitled "An Act creating Cameron County Water Improvement District No. 11."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 141 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused

Russek.	Woodward.
Thomason.	

Special Committee Report.

Senator Small sent up the following special Committee report and received unanimous consent to have it printed in the Journal.

Austin, Texas, May 16, 1929.

Hon. Barry Miller, President of the Senate,

Hon. W. S. Barron, Speaker of the House of Representatives.

Austin, Texas.

Gentlemen:

On February the first House Concurrent Resolution No. 12 passed the Senate and the House authorizing the President of the Senate to appoint two members of the Senate, and the Speaker of the House to appoint three members of the House to act as a Committee for the purpose of inspecting certain lands near and adjoining the land now owned by the State and occupied by the State Juvenile Training School at Gatesville, Texas, and to make inspection and investigation as to suitability and value as well as the needs of the institution for said land. We, your Committee together with two Members of the Board of Control, made the inspection and investigation and it is our opinion that the 1,832 acres of land offered for sale to the State, known as the "Bush Tract," consists of about 700 acres of farm land and 1,132 acres of pasture land. It is our opinion that the institution, which has 672 inmates, together with 50 head of work mules and 175 head of cattle, could well use the proposed land. The institution has leased this land for many years and it is in a fine state of cultivation.

The Bush Estate has offered this land to the State for sale at \$100,000, but it is our opinion that the 700 acres of farm land is worth \$60.00 per acre, or a total of \$42,000, and that the 1,132 acres of pasture land is worth \$17.50, or \$19,870, making a total valuation of \$61,870.00.

There is another tract of 500 acres of land, known as the "Barnes Tract," which adjoins the State land on the east, consisting of 250 acres of farm land and 250 acres in pasture. It is our opinion that the farm land on this tract is worth \$60.00 an acre or \$15,000, and the 250 acres of pasture land at \$17.50 an acre, making a total of \$4,375 the grand total of which is \$19,375.00. It is our further opinion that the Committee and the Board of Control should make some negotiation with the parties owning these two tracts and ascertain if the same can be bought for the above sum of money, and, if so, report back to the next Called Session of the Legislature with further recommendations on the subject.

Your Committee was well pleased with the way in which the State Juvenile Training School is being operated. We found that the premises were clean, sanitary, and well kept. We found the farm lands in a good state of cultivation with well tended crops and with an advanced growth. The stock were fat and had every appearance of having proper attention. The discipline and morale of the inmates of this institution was very pleasing and reflected proper management and direction. We believe that this is one State Institution that is in a very healthy condition and that with adequate farm and pasture land, it can be developed into greater usefulness, and placed on a more remunerative basis.

Respectfully submitted,

On part of the Senate.

HARDIN,
SMALL.

On part of the House.

KINNON,
McGILL,
BATEMAN.

The Committee report was adopted.

House Bill No. 209.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 209, A bill to be entitled "An Act renewing and extending Oil and Gas Permit No. 8845 issued by the Commissioner of the General Land Office on the 6th of October, 1924, and Oil and Gas Permit No. 8861, issued by the Commissioner of the General Land Office on the 6th day of October, 1924, covering University lands in Pecos county, Texas, for an additional period of three years from and after the present respective dates of expiration of said permits, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Wirtz the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 209 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

Special Committee Report.

Senator Moore sent up the following special Committee report:

Report of General Investigation Land Office and Other State Departments

Introduction.

To the members of the Forty-First Legislature:

We, your Committee, appointed for the purpose of investigating the General Land Office; also, the University Board of Regents, the Attorney General's Department and the Governor's office, insofar as their relation to the Land Office is concerned, having completed our mis-

sion, respectfully submit our report.

The Committee, by virtue of having to attend to our duties as members of the Legislature, were unable to make such detailed investigation as was warranted by the resolution and the importance of the subjects assigned. However, notwithstanding this some thirty-five or forty witnesses were examined and 1,009 pages of oral testimony were taken.

The entire expense of the investigation consists of the following items:

Witness' fees	\$1,012.77
Court reporters' fees	\$1,823.50
Auditor's fees allowed for complete reports on file	\$2,922.87
Miscellaneous expenditures, including telegraph account and special assistants	\$ 252.11
Total	\$6,011.25

(The auditors employed for the purpose of auditing certain records of the Land Office rendered an account amounting to the sum of \$4,927.37, but your committee allowed only the sum of \$2,922.87, as above shown, which your committee found to be the correct amount due.)

The committee attempted in every instance to expend the State's money economically and closed no contract for any services until after having made a diligent effort to secure reasonably priced but highly efficient employees.

The sessions of the committee were pleasant and harmonious, and the committee was ably assisted in its investigations by the Hon. Alfred Petsch, who conducted the examination of witnesses for and on behalf of the committee, for whose services the committee desires to express its sincere appreciation and has requested him to sign this report with the committee. The report herein submitted represents the unanimous opinion and conclusions of the whole committee and the same is submitted to you as a fair effort of the committee to carry out the instructions of Senate Concurrent Resolution No. 4 passed at the Regular Session of the Forty-first Legislature.

The extent of the investigation covers each of the departments hereinbefore named, as above stated, and includes the following subjects:

1. The controversy between the Land Commissioner on the one hand and the University Board of Regents

Attorney General's Department and the Governor's office on the other hand pertaining to the agreement between these parties as to the Mineral Leases on the University oil lands.

2. Operations of the Land Office concerning:

(a) The sale of the unsurveyed lands and the lease of minerals thereon located

(b) The operations of the 1913 Re-appraisement Act

(c) The operations of the 1925 Re-appraisement Act

(d) The creation, handling and expenditure of the "One Cent Per Acre Fund" provided by the Re-appraisement Act of 1925 passed at the Regular Session of the Thirty-ninth Legislature, and the amendment thereto passed at the First Called Session of the Thirty-ninth Legislature.

3. The practice of receiving gifts and gratuities by the Land Commissioner consisting

(a) of lands and money directly deeded or handed to the Commissioner

(b) of refunds or presents of the unexpended portions of the "One Cent Per Acre Fund" to the Commissioner

4. Charges against the Departments hereinbefore named other than the General Land Office:

Based on the investigations and findings of fact, as hereinafter set out, the committee reached the conclusion hereinafter set forth pertaining to the sale or lease of the public lands and minerals, the handling of the "One Cent Per Acre Account" and the receiving of gifts and gratuities by the Land Commissioner. The committee has expressly refrained from making any suggestion to the Legislature as to whether or not any action should be taken concerning the Land Commissioner by virtue of this report, because such a suggestion was not positively called for by the terms of the Resolution under which the Committee acted and because such responsibility should rest upon the Legislature as a whole.

Agreement Relating to Sale of University Mineral Leases.

From the testimony heard the committee finds that sometime in the month of November, 1928, as a

result of preliminary arrangements the Land Commissioner, representatives of the Board of Regents, the Attorney General and the Governor held a conference in the latter's office for the purpose of discussing the advisability of leasing the mineral rights on the Texas University lands and the authority of the Commissioner to withhold said leases from the market. In the conference the conclusion was reached by all parties, except the Land Commissioner, that under the law he had the authority to postpone the leasing of the University lands until the Legislature could meet and change the law pertaining to this subject matter. Apparently all these parties agreed that the laws which controlled the leasing of the mineral rights on these lands were in the nature of development statutes, and while they were adequate at the time of their passage, at the time of this hearing these statutes were wholly inadequate to properly protect the material interests of the University. All apparently were also agreed that it would be wholly unwise from an economic standpoint to permit the leases on the University lands to be placed on the market at the times prescribed by law. Evidence was submitted to the effect that the Land Commissioner expressly agreed that he would follow the written opinion of the Attorney General's Department.

In accordance with this agreement the Attorney General's Department, after making a thorough investigation, prepared a written opinion and delivered the same to the Commissioner sometime in the latter part of December. The opinion informed the Commissioner that under the law he had the right to withhold the leases from the market. The Governor, Attorney General and Board of Regents relying upon what they understood to be the agreement with the Land Commissioner paid no further attention to this matter until they discovered that the Commissioner intended to place a great body of leases on the market in the early part of January 1929, immediately prior to the convening of the Regular Session of the Forty-first Legislature. When this was definitely established, the Governor undertook to secure the agreement

from the Commissioner whereby the latter would stand by his original November agreement, as the Governor understood it. As a result of conversations over the telephone and a conference between the Governor and the Commissioner at Dilley, the Governor understood that the latter agreed with him, the Governor, that he, the Commissioner, would not place more than twenty sections of land on the market for the January 2nd sales, and that all other leases which he had theretofore prepared for marketing would be withdrawn. But shortly after the Commissioner returned from Dilley to the City of Austin it developed that a misunderstanding on the part of the Land Commissioner existed as to the agreement with the Governor; a conference was therefore had between the Commissioner and a representative of the Attorney General's Department for the purpose of ascertaining which leases the Commissioner intended to place on the market. As a result of this conference and injunction was served upon the Commissioner restraining him in the sale of those lands which he represented to the Attorney General would be placed on the market; such sales and offers for sale being contrary to the wishes of the Governor and the University Board of Regents and the same being done contrary to the agreement as understood by praisement and that approximately and the University Board of Regents.

The committee does not attempt to say whether such leasing resulted in a profit to the University, but is merely setting forth its conclusions based upon the facts just stated.

Operation of the Land Office

Senate Concurrent Resolution No. 4 directed the committee, among other things, to investigate "each and every act of the Commissioner of the General Land Office and all matters pertaining thereto"; and to carry out said directions the committee entered upon that duty in good faith, but soon found that the time and the means available for the investigation of these matters were insufficient; and by virtue of this necessity the investigations of the Land Office became very limited. For this reason only the matters herein-

before stated pertaining to this office were investigated.

The committee finds that under the law all "unsurveyed lands" or "scrap lands" may be sold without advertising such lands for sale. Operating under this law we find that the Land Office has in at least two instances sold such lands when same were located in proven oil territory for a nominal consideration and that as a result the public school funds have suffered extensive damages and losses. The committee has no way of determining the amount of the losses to the State of Texas by virtue of this law.

The committee found that during the incumbency of the present Land Commissioner two Re-appraisement Acts were passed by the Legislature and by him administered. The first Act was passed in 1913 and the same authorized the Commissioner and two assistants to re-appraise the public lands of this State which had theretofore been sold. It appears that as a result of said Act 1,454,289.5 acres of land was re-appraised; that the forfeiture price was \$6,932,083.51 and that the re-appraisement price was \$5,029,897.58. It follows therefrom that the public school funds of this State were depreciated to the amount of \$1,902,185.93. Under this Act the sum of \$7.50 per section was levied against the land to cover the cost of re-appraising the Governor, the Attorney General \$17,000.00 were collected for this fund. The investigation did not disclose the amount of this fund which remained unused after payment of the re-appraisement expenses. It is probable that the records in the Comptrollers' Office will disclose this information.

Under the 1925 Re-appraisement Act, under the exclusive control and direction of the Commissioner 6,886,860.29 acres were re-appraised; the original value of the same as listed on the Land Office books amounted to \$15,206,348.79. These values were reduced by virtue of the re-appraisement by the amount of \$5,133,517.38.

Under the 1913 Re-appraisement Act the average price per acre of land was set at \$3.41, and less than one per cent of the acreage re-appraised was placed at \$1.00 per acre.

Under the 1925 Act, 3,679,784.26 acres of land were re-appraised at \$1.00 per acre, or over fifty-three per cent of the total school lands were appraised at that price. The committee heard evidence by which the Commissioner attempted to justify the large reduction by him granted under the last re-appraisement act, but the committee feels that said explanation was insufficient as justifying the consequent loss to the public school funds except to a limited extent.

The records disclose that one prior re-appraisement act had been passed by the Legislature. This means that probably in some instances the purchaser of public school lands has had four opportunities to fix the price of his purchase, when he purchased the same as the highest bidder, and then each time he took advantage of a re-appraisement act. While the committee recognizes that the final responsibility for the passage of these laws rested upon the Legislature, yet it is also cognizant of the fact that only the Land Commissioner was in possession of the actual information and could have anticipated the ultimate result of each of the last two re-appraisement acts.

The One Cent Per Acre Fund.

For the purpose of paying the expenses of administering the 1925 Re-appraisement Act, the law provided an assessment of one cent per acre for each acre of land offered for re-appraisement. Under this provision the Commissioner collected a total of \$72,865.45, as reported by the auditors employed by the committee. Over one-half of this amount was collected before the convening of the Special Session of the Thirty-ninth Legislature in September, 1926. The 1925 Act provided that such portion of this fund, as would not be used in the payment of expenses, should be paid into the State Treasury. The One Cent Per Acre Fund under the terms of this act strictly constituted it a public fund.

During the Special Session of the Thirty-ninth Legislature an amendment to the last re-appraisement act was passed which changed the One Cent Per Acre Fund so as to provide that the unused portion should be

returned pro rata to the owners of the re-appraised lands.

When the funds began to come in the Commissioner opened an account at an Austin bank and designated the same as the "J. T. Robison Special." The first deposit was made on April 30, 1925. An audit of the account discloses the following facts:

(a) That no effort was made by the Land Office to keep a proper or intelligent set of books evidencing the receipt of the money belonging to said fund and showing the items of expenditure; and

(b) That for the amount of \$20,325.51 shown to have been checked out of the bank the Commissioner was not able to produce any cancelled checks; and

(c) That the sum of \$12,471.78 was received by the Commissioner and never deposited in any bank. As a result the Commissioner was unable to account for the sum of \$32,797.29 of the money received by him in any manner whatsoever. Further than this the record discloses that the Commissioner used from the aforesaid funds different sums of money for private purposes and made payments out of said fund to various members of his family. The Commissioner did not convince the committee that any considerable portion of the funds so used was ever repaid into the account. The whole account was handled in a reckless and indifferent manner and without semblance of ordinary precaution calculated to enable the Commissioner to render an accurate account of said funds.

Gifts And Gratuities.

The committee finds that the Land Commissioner received numerous gifts in the nature of lands and monies and that they were donated in most instances by the owners of large tracts of land in Texas. The evidence disclosed that the Commissioner received as a gift in one instance a tract of land which he sold, after holding the same for several months, for a consideration of \$2,000.00; that he received gifts and various sums of money amounting to as much as \$2,200.00 at one time and \$500.00 upon two other occa-

sions, besides numerous other smaller cash gifts. In addition to the aforesaid gifts, the Commissioner received the sum of \$6,783.70 in refund checks endorsed by the payees and returned to the Commissioner. The expressed intention of some of the donors was to keep Mr. Robison from losing his home, or to pay off the alleged mortgages which were supposed to exist against the same. The record discloses that even though these debts have long since been paid off no releases had been filed for record up to the date of our investigation.

Other Departments.

No witnesses appeared before the committee which suggested any improper or unlawful act on the part of the Board of Regents, the Attorney General's Department or the Governor. No one came to present any charges of irregularities against any of these departments. The committee finds that the action of the University Board of Regents, the Attorney General's Department and the Governor are regular in all respects insofar as their relations with the Land Office are concerned.

Conclusions.

1. The committee has concluded that a law providing for the sale or lease of any public lands, or the minerals thereon, should require said sale or lease to be made by means of receiving public bids, or sealed bids, after public advertisement, with the right on the part of the State to reject any and all bids, and recommend that the land laws of Texas should be re-written and safe-guards thrown around the sale and leasing of public lands as will fully protect the public school funds and University funds in the future.

2. As a result of our efforts in this investigation, the committee is of the opinion and so recommends the passage of a law creating the office of State Auditor, whose duty it is to make investigations and audit the accounts of all the departments, institutions, boards and bureaus of the State government and report the result thereof to the Legislature for its guidance, and creating a uniform, proper and efficient system of ac-

countancy in the administration of the affairs of the State government.

3. The committee has concluded that the "One Cent Per Acre Fund" was at all times a public fund and that all the money, which remained unexpended by the Commissioner in the actual administration of the 1925 Re-appraisement Act, is the property of the State of Texas. For this reason the committee has concluded to recommend that the Attorney General of Texas investigate the advisability of instituting suit against the Land Commissioner, calling upon him to make accurate accounting of the "One Cent Per Acre Fund," and for the recovery of the sums of money which such accounting shows have not been legitimately used by the Commissioner in administering said account. This conclusion is supported by the opinion of the Attorney General, filed herewith, rendered upon the request of the committee, and which is to the effect that the act of the Special Session of the Thirty-ninth Legislature which sought to change the character of the "One Cent Per Acre Fund" was wholly insufficient for such purpose, and was invalid under the Constitution.

4. The committee further concludes that the manner of handling said "One Cent Per Acre Fund" is inexcusable, unwarranted and unjustified; that the same involves an unsound public policy and should not be countenanced by any public official in the discharge of the duties of his office.

5. The committee further concludes that the acceptance of gifts and gratuities as practiced by the Land Commissioner, if carried on by officials of a democratic form of government to any extent, is calculated to destroy the confidence of the citizenship in the government and finally to wreck and destroy the same.

6. Due to the seriousness of the result and the fact that the matter is of sufficient interest to the Legislature as a whole, upon which body the responsibility would finally rest, the committee submits no suggestion as to what action the Legislature of the State should take concerning the hereinbefore mentioned acts of the Land Commissioner.

7. The committee recommends

that one copy of the testimony produced in the investigation, together with one copy of each of the reports of the auditors—all of which are herewith submitted to the Legislature and the same made a part hereof—be placed respectively in the State Library, the University Library, and that one copy of such report be filed with the Secretary of State and one in the Governor's office. The committee further recommends that this report of the committee only be printed in the Journal; and that all other proceedings of the committee, or reports to the committee, be not printed.

Dated at Austin, Texas, this the 15th day of May, 1929.

Respectfully submitted,

On the part of the House:

MINOR,
STEVENSON,
BOND.

On the part of the Senate:

MOORE,
HARDIN.

Investigating Committee.

ALFRED PETSCH,

Attorney for Investigating Committee.

State of Texas

Offices of the Attorney General

Austin, Texas, May 8, 1929.

Honorable Alfred C. Petsch,
Attorney for Investigating Committee,

House of Representatives,
Austin, Texas.

Dear Mr. Petsch:

Referring to your letter of April 16th which relates to the validity of the act of the Special Session of the Thirty-ninth Legislature which deals with the "One Cent Per Acre Fund." I have to advise that it is my opinion that under the authority of the case of Bitter vs. Bexar County, under a decision of the Commission of Appeals, the act of the Legislature to which you refer is invalid under the Constitution.

Yours very truly,

(Signed) CLAUDE POLLARD.

Senator Pollard moved that the further reading of the report be dispensed with and the report be printed in the Journal. The motion prevailed.

House Bill No. 119.

The Chair laid before the Senate

on its second reading the following bill:

H. B. No. 119 A bill to be entitled "An Act amending Chapter 202 of the General and Special Laws of the Regular Session of the Forty-first Legislature so as to omit McCulloch county from the operation thereof, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 119 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

House Bill No. 107.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Murphy:

H. B. No. 107, A bill to be entitled "An Act providing for a jury wheel and the selection of juries and drawing of venires by means thereof in all counties having a population of not less than 16,775 and not more than 17,000, as shown by the United States census of 1920; etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Patton the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 107 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

Free Conference Report.

Senator Witt sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, May 16, 1929.

Hon. Barry Miller, President of the Senate:

Hon. W. S. Barron, Speaker of the House of Representatives:

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and House on

S. B. No. 16, A bill to be entitled "An Act to amend Article 5053, R. S. 1925, relating to discrimination and other practices in connection with the sale of life insurance policies so as to better regulate the sale of stock, bonds and other securities in connection with life insurance policies, and declaring an emergency."

Have had the same under consideration and beg leave to report that we have adjusted the differences between the House and the Senate as follows:

1. The Senate agrees to accept the House amendment offered by Mr. W. E. Pope.

2. The Senate agrees to accept the House amendment offered by Mr. Purl.

3. The House Amendment offered by Mr. McCombs of the House is rejected by both Committees. It is agreed, however, that the words and figures "March 1st," in the ninth line of Section 2 of the bill shall be stricken out and "May 17th" shall be inserted in lieu thereof.

It is agreed by the Conference Committee that the caption of the bill shall be amended by inserting in the caption between the word "policies" and the word "And" the following: "providing for a penalty for the violation thereof."

It is further agreed by the Conference Committee that in all other respects, the bill as passed by the

Senate is adopted by your Committee.

Respectfully submitted,
On the part of the House.

PURL,
POPE,
POOL,
McCOMBS,
STOREY.

On part of the Senate.

WITT,
MOORE,
CUNNINGHAM,
HARDIN,
HYER.

The Committee report was read and adopted by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

Senate Bill No. 112.

The Chair laid before the Senate on its second reading the following bill:

By Senator Pollard:

S. B. No. 112, A bill to be entitled "An Act to amend Section 7 of S. B. No. 106; enacted at the Second Called Session of the Thirty-sixth Legislature, authorizing the Board of Trustees of Quitman Independent School District in their discretion to have the special taxes of said School District collected by the county tax collector, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 112 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

House Bill No. 159.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Tillotson and Mr. Sherrill:

H. B. No. 159, A bill to be entitled "An Act to amend Chapter 25 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session in 1925 by adding a new section to said chapter, to be known as Section 84a, authorizing such districts to declare an emergency in certain cases and under certain limitations, and to issue interim bonds in evidence of such emergency loans, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 159 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patten.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	

Nays—1.

Woodul

Absent—Excused.

Russek.	Woodward.
Thomason.	

House Bill No. 142.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 142, A bill to be entitled "An Act to validate proceedings of the district court of the Thirty-fourth Judicial District of Texas,

sitting at El Paso, in certain criminal matters, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 142 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

House Bill No. 162.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 162, A bill to be entitled "An Act creating and defining by

metes and bounds road district No. 3 of Colorado county, Texas, under the authority of Article 3, Section 52, of the Constitution of the State of Texas, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof; provided that such district shall be made a body corporate and taxing district under the Constitution and laws of the State of Texas, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Wirtz the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 162 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek.	Woodward.
Thomason.	

Senate Bill No. 10.

The Chair laid before the Senate on its second reading the following bill:

By Senators Love and Greer.

S. B. No. 10, A bill to be entitled "An Act to amend Chapter 181 of the General Laws of the Fortieth Legislature of the State of Texas, (Regular Session), providing for the classification of elementary and high schools by the county board of school trustees; etc., and declaring an emergency."

The bill was read second time.

Senator Love sent up the following amendment:

Amend S. B. No. 10 by striking out all of it after the enacting clause and inserting in lieu thereof the following:

Section 1. The county board of school trustees, at the regular meeting in May of each year or as soon thereafter as practicable, shall classify the schools of the county, including those in independent school districts, in accordance with such regulations as the State Superintendent may prescribe into elementary schools and high schools for the purpose of promoting the efficiency of the elementary schools and of establishing and promoting high schools at convenient and suitable places. In classifying the schools and in establishing high schools, said trustees shall give due regard to schools already located, to the distribution of population, and to the advancement of the students in their studies. In the event any school is so classified that a resident high school student within the free school age cannot receive instruction in his home district, his tuition for the number of months attended in any other high school recognized by either county or State shall be paid by warrants drawn by the local board of trustees on funds of said district and approved by the county superintendent. Provided, that if the said student, after having completed the course of study offered in his home district is not prepared to enter a high school recognized by either the county or the State, the superintendent of the school dis-

district which maintains the high school he desires to attend shall place said student in the proper grade, and said district shall be entitled to receive tuition for said student in the same manner as if said student should attend the high school of said district. If the high school attended receives the transfer of State and county funds for said student, credit shall be given for the amount of same. The rate of tuition charged said pupil shall be the actual cost of teaching service, based upon the average monthly enrollment in the high school attended, exclusive of all other current or fixed charges, not to exceed \$7.50 per month. Said tuition rate shall be agreed upon between the board of trustees of the district in which such high school is located and the county board of school trustees, or in the event of their disagreement shall be fixed by the State Superintendent of Public Instruction subject to appeal to the State Board of Education; and the principal of the high school or the superintendent of the schools of said district shall furnish a statement to the county board of trustees supported by affidavit containing such information as may be necessary to carry out the provisions of this Act. On or before September first of each scholastic year, it shall be the duty of the board of trustees of each school district under the supervision of the county board of trustees and which does not offer high school training for all resident pupils within the free school age to prepare and file with the county superintendent a budget or bonus on forms prepared and furnished by the State Superintendent of Public Instruction, or bonus prepared and furnished by the State Superintendent of Public Instruction of its proposed expenditures for the current year, which budget shall include the amount necessary for the payment of high school tuition charges as prescribed in this Act, and the amount of tuition payments so budgeted and approved by the county board of trustees shall not be expended for any other purpose in the maintenance of the current school term except with the approval of the county superintendent and county board of trustees.

For all local school districts whose funds may not be sufficient

to pay the tuition of resident students attending high school elsewhere, the county board of trustees shall, on or before the first of June of each scholastic year, apply to the State Board of Education for the funds with which to pay the tuition accounts of the said districts, or such part of them as the district is financially unable to pay; the said application to be approved by the county superintendent and supported by a sworn statement of the local district trustees as to such tuition charges. And on the approval of the said application by the State Board of Education, the State Superintendent of Public Instruction shall transmit to the county board depository, by warrant drawn by the State Comptroller against any appropriation made by the Legislature for this purpose and payable to the County High School Tuition Fund, the funds with which to pay such tuition, and the county superintendent shall, with the approval of the county board of trustees, issue vouchers in payment of the outstanding tuition accounts of the said districts of his county and to reimburse such of them as have paid, in whole or in part, the tuition accounts of resident high school pupils as prescribed herein; provided that the provisions of this Act requiring the payment of high school tuition and reimbursement of funds shall not apply to any district that does not levy and collect a local school tax of seventy-five cents on the one hundred dollars of taxable property; provided further that the payment of high school tuition shall be optional with trustees of districts that levy a lower tax than seventy-five cents on the one hundred dollars.

Sec. 2. All laws and parts of laws, both General and Special, in conflict herewith shall be and the same are hereby repealed, and Article 2678, R. S. 1925, is specifically repealed.

Sec. 3. The need for a more scientific method of ascertaining the rate to be paid for high school tuition in this State by non-resident students creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take ef-

fect from and after its passage, and it is so enacted.

NEAL,
LOVE.

The bill as amended passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 10 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek. Woodward.
Thomason.

Read third time and finally passed by the following vote.

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek. Woodward.
Thomason.

House Bill No. 76.

The Chair laid before the Senate, on second reading, the following bill:

H. B. No. 76, A bill to be entitled "An Act for the eradication of contagious, infectious and communica-

ble diseases among cattle, horses mules, asses, sheep, goats, hogs and other live stock, domestic animals and domestic fowls; also other diseases; providing for the establishment of quarantines, and penalties for violations of provisions of this Act; providing for the testing of cattle for tuberculosis and branding cattle that show a positive reaction to a tuberculin test, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 76 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek. Woodward.
Thomason.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek. Woodward.
Thomason.

House Bill No. 180.

The Chair laid before the Senate, on second reading the following bill:

H. B. No. 180, A bill to be entitled "An Act to provide for the destruction of certain predatory animals and rodent pests; providing for co-operation of this State with the United States Department of Agriculture in destroying certain predatory animals and rodent pests in the interest of live stock, crops and ranges; authorizing an appropriation to be extended under the contingencies and in the manner provided in the act, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Stevenson, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 180 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Patton.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek. Woodward.
Thomason.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Love.
Berkeley.	Martin.
Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.
Hyer.	Small.

Stevenson.
Westbrook.
Williamson.

Wirtz.
Witt.
Woodul.

Absent—Excused.

Russek.
Thomason.

Woodward.

House Bill No. 36.

The Chair laid before the Senate, on second reading, the following bill:

H. B. No. 36, A bill to be entitled "An Act to provide that all citations and notices issued by the county clerk on applications for letters of administration, or on applications for the appointment of a guardian, shall be returnable to the court from which issued on the first Monday after the service is perfected, and said returnable date shall constitute the term of the probate court for action on said applications; providing that the time be fixed for service of citations; amending Article 1961 of the Revised Civil Statutes of 1925 so as to provide that the probate court shall be open at all times for the transaction of probate business; amending Article 1965 so as to provide that the probate minutes shall be approved by the presiding judge every thirty (30) days; repealing Article 1967 of the Revised Civil Statutes for 1925 and all laws in conflict with this Act, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No 36 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek. Woodward.
Thomason.

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Russek. Woodward.
Thomason.

House Bills Referred

H. B. No. 182 referred to Committee on State Affairs.

H. B. No. 201 referred to Committee on State Affairs.

Recess.

Senator McFarlane moved to recess until 9:00 o'clock tomorrow morning.

Senator Parrish moved to recess until 8:00 o'clock tonight.

Senator Miller moved to adjourn until tomorrow morning at 10:00 o'clock.

The motion was lost by the following vote:

Yeas—8.

Gainer.	McFarlane.
Hornsby.	Miller.
Hyer.	Moore.
Martin.	Wirtz.

Nays—16.

Beck.	Neal.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Stevenson.
Greer.	Williamson.
Holbrook.	Witt.
Love.	Woodul.

Absent.

Hardin. Westbrook.
Small.

Absent—Excused.

Parr. Thomason.
Russek. Woodward.

The motion to recess until 9:00 o'clock tomorrow morning was lost by the following vote.

Yeas—11.

Cousins.	McFarlane.
Gainer.	Miller.
Hardin.	Moore.
Holbrook.	Stevenson.
Hornsby.	Wirtz.
Martin.	

Nays—13.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Williamson.
Greer.	Witt.
Love.	Woodul.
Neal.	

Absent.

Hyer. Small.
Parr. Westbrook.

Absent—Excused.

Russek. Woodward.
Thomason.

The motion to recess until 8:00 o'clock tonight prevailed, and at 6:10 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 8:00 o'clock, pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

House Bill No. 179.

The Chair laid before the Senate, on second reading, the following bill:

H. B. No. 179, A bill to be entitled "An Act authorizing persons, who, while acting as a duly elected and qualified tax collector of any county in Texas erroneously paid to the county any excess fees of office, to sue the county for the fees so erroneously paid; authorizing payment of a claim without the necessity of suit; providing that the plea of lim-

itation shall not be available to the county as a defense against such action; that the plea of limitation shall not be available to the plaintiff against cross-actions brought by the defending county, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

Senate Bill No. 133.

The Chair laid before the Senate, on second reading the following bill:
By Senator Moore:

S. B. No. 133, A bill to be entitled "An Act fixing the salary of shorthand court reporters in all counties."

The committee report carrying an amendment was adopted.

The bill as amended was read second time and passed to engrossment.

House Bill No. 175.

The Chair laid before the Senate, on second reading, the following bill:

H. B. No. 175, A bill to be entitled "An Act repealing Article 3884, Revised Civil Statutes of Texas of 1925, as amended in 1927, relating to the compensation of deputies and assistants of certain district and county officers, and amending Article 3902 of the Revised Civil Statutes of Texas of 1925, relating to compensation of deputies and assistants of certain district and county officers, and declaring an emergency."

The bill was read second time.

Senator Pollard sent up the following amendment:

By Senator Woodul:

Amend H. B. No. 175 by striking out all after the enacting clause and in lieu thereof insert the following:

Section 1. That Article 3884 of the Revised Civil Statutes of Texas of 1925, as amended in 1927, Chapter 102 of the General Laws of the Fortieth Legislature, page 153, be and the same is hereby repealed.

Sec. 2. That Article 3902 of the Revised Civil Statutes of Texas of 1925 be and the same is hereby amended so as to hereafter read as follows:

Article 3902: Whenever the county judge, sheriff, county clerk, county attorney, district clerk, tax collector, tax assessor, justice of the peace, constable, shall require the

services of deputies or assistants in the performance of his duties, he may apply to the county commissioner's court of his county for authority to appoint such deputies or assistants, setting out by sworn application the number needed, the position sought to be filled, and the amount to be paid. Said application shall be accompanied by a statement showing the probable receipts and disbursements of the office; and said court may make its order authorizing the appointment of such deputies or assistants and fix the compensation to be paid them and determine the number to be appointed; provided, that in no case shall commissioners' courts or any member thereof attempt to influence the appointment of any person as deputy or assistant in any office. Upon the entry of such order the officer applying for such deputies or assistants shall be authorized to appoint them as provided by law; provided, that said compensation shall not exceed the maximum amount hereinafter set out. In counties having a population in excess of 100,000 inhabitants, the district attorney in the county of his residence or the county attorney where there is no district attorney, shall be allowed by order of the commissioners' court of the county where such official resides such amount as said court may deem necessary to pay for the proper administration of the duties of such office, not to exceed seventy-five dollars per month; such amount to be allowed on the affidavit of said district or county attorney showing a necessity for such expenses and for all amounts so incurred. Said commissioners' courts may also require any other evidence as it may deem necessary to show the necessity of such expenditure, and its judgment in allowing same shall be final.

The maximum compensation which may be allowed for deputies and/or assistants to the officers above named for their services shall be as follows, to wit:

First Assistant or Chief Deputy not to exceed \$1800.00 per annum; other assistants or deputies not to exceed \$1500.00 per annum each.

Provided, that in counties having a population of from 37,500 to 100,000 inhabitants, the maximum com-

compensation which may be allowed such deputies or assistants for their services shall be as follows, to-wit:

First Assistant or Chief Deputy not to exceed \$2100.00 per annum; heads of such department not to exceed \$1800.00 per annum each; other deputies or assistants not to exceed \$1500.00 per annum each.

Provided, that in counties having a population of from 37,500 to 100,000 and containing a city of over 25,000 or counties containing a population of more than 100,000 and less than 125,000 population, the maximum compensation that may be allowed such deputies or assistants for their services shall be as follows, to-wit:

First Assistant or Chief Deputy not to exceed \$2700.00 per annum; heads of each department not to exceed \$2400.00 per annum each, other deputies or assistants not to exceed \$1800.00 per annum each.

Provided, that in counties having a population in excess of 125,000 inhabitants, the maximum compensation that may be allowed such deputies or assistants for their services shall be as follows, to-wit:

First Assistant or Chief Deputy not to exceed \$3000.00 per annum; provided the commissioners court may increase said amount not to exceed \$3300.00 per annum, where a necessity thereof is shown and where the person to be appointed has been previously the head of a department for not less than one year or has been in the continuous service of the county for a period of not less than two years.

Heads of department may be allowed by the Commissioner's Court, when in their judgment such are necessary, not to exceed \$2700.00 per annum, when such heads of department sought to be appointed shall have previously served the County for not less than two continuous years. Other heads of department shall receive not to exceed \$2400.00 per annum; provided that no head of a department shall be created except where the person sought to be appointed is to be in actual charge thereof, with deputies or assistants under his supervision, or a department approved by the court and only in offices capable of a bona fide subdivision into departments.

Deputies or Assistants other than

those provided for may be allowed, the number to be determined by the Commissioners Court and their salaries based as far as possible on a graduated scale according to service, ability and qualifications. Fifty per cent of the number so appointed may be authorized at a rate not to exceed \$2400.00 per annum, provided such rate shall be allowed only to deputies in service for two years or more, and all others so appointed at a rate not to exceed \$2100.00 per annum.

Provided further that in determining the number of inhabitants in each of the instances heretofore mentioned, the number of inhabitants as shown by the last United States Census shall control.

The County Commissioner's Court in each order granting authority to appoint deputies or assistants shall state the number of deputies or assistants authorized and the amount of compensation to be allowed each deputy or assistant which compensation shall be paid out of the fees of the office to which such deputy or assistant may be appointed and assigned, and shall not be included in estimating the maximum fees of the officers named above. The salaries referred to shall not be paid by the county, but are to be paid out of the fees of the office in the following manner:

First, out of any current fees collected; second, if such fees are not sufficient, then out of any delinquent fees collected which are due the county after all legal deductions are made, and if there be any balance remaining after payment of the maximum fee, compensation and excess fees due such officer or officers and the compensation of such deputies or assistants, such balance shall be paid to the county treasurer.

Provided, however, that nothing in this Act shall be construed to repeal H. B. No. 196, passed by the regular session of the 36th Legislature, same being known as Chapter 47 of the Acts of the Regular Session of the Thirty Sixth Legislature, page 83, and any act amendatory thereof, relating to fixing salaries of District Attorneys, their deputies, Assistants and Stenographers in Counties having a population of more than 100,000.

Provided, that in Counties of 125,000 inhabitants and over, according

to the last United States Census, and in which counties there are more than one District Court, including Criminal District Courts, the Clerk of the District Court shall appoint a special deputy for each such court when directed so to do by the Judge of any such court, except in instances where there is now one provided for by law; provided further, that any such special deputy shall be paid out of the general fund of the county a salary not in excess of the minimum salary per annum, provided for deputies now by law, payable monthly, and such compensation shall not be paid out of the fees of compensation of the District Clerk, and shall not be taken in consideration in arriving at the maximum compensation and excess fees allowed the Clerk of the District Courts.

All laws and parts of laws in conflict herewith are expressly hereby repealed, except Chapter 81, Session Acts of the Regular Session, 41st Legislature, same being H. B. No. 596.

Sec. 3. The fact that deputies and assistants in counties having a population of more than 125,000 inhabitants as shown by the last preceding United States Census are underpaid, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended and that this rule is hereby suspended, and this Act takes effect and be in force from and after the date of its passage, and it is so enacted.

The amendment was read and adopted.

The bill as amended passed to third reading.

House Bill No. 155.

Senator Witt moved to take up out of its regular order the following bill:

By Mr. Beck:

H. B. No. 155, A bill to be entitled "An Act to amend Sections 1, 4, 8, 14 and 15 of H. B. No. 50 of the Acts of the Regular Session of the Fortieth Legislature, 1927, and adding a new section, Section 11a, thereto, so as to more accurately define the term "motor bus company" and better define the jurisdiction of the Railroad Commission of Texas in the regulation of motor bus

transportation to provide for the regulation of motor bus terminals, etc., and declaring an emergency."

Senator Miller raised the point of order that no quorum was present. The roll call revealed no quorum present.

Senator Witt moved a call of the Senate. The call was seconded. The Sergeant-at-Arms was ordered to close the doors and allow no Senator to leave the room without a written permit from the Chair. The Sergeant-at-Arms was ordered to bring in the absentees.

House Bill No. 179.

The Chair laid before the Senate H. B. No. 179.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 179 was put on its third reading and final passage, by the following vote:

Yeas—21.

Berkeley.	Miller.
Cousins.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Present—Not Voting.

Pollard.

Absent.

Beck.	Parr.
Greer.	Patton.
Hyer.	Westbrook.

Absent—Excused.

Russek.	Woodward.
Thomason.	

The bill was read third time and finally passed by the following vote:

Yeas—22.

Beck.	Hornsby.
Berkeley.	Love.
Cousins.	Martin.
Gainer.	McFarlane.
Hardin.	Miller.
Holbrook.	Moore.

Neal.	Stevenson.
Parrish.	Williamson.
Patton.	Wirtz.
Pollard.	Witt.
Small.	Woodul.

Nays—2.

Cunningham. DeBerry.

Absent.

Greer.	Parr.
Hyer.	Russek.

Absent—Excused.

Thomason.	Woodward.
Westbrook.	

Senate Bill No. 133.

The Chair laid before the Senate
S. B. No. 133.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 133 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Nays—1.

Cunningham.

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	

Absent—Excused.

Woodward.

The bill was read third time and
finally passed by the following vote:

Yeas—24.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
DeBerry.	Holbrook.

Hornsby.	Patton.
Love.	Pollard.
Martin.	Small.
McFarlane.	Stevenson.
Miller.	Williamson.
Moore.	Wirtz.
Neal.	Witt.
Parrish.	Woodul.

Nays—1.

Cunningham.

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	

Absent—Excused.

Woodward.

House Bill No. 175.

The Chair laid before the Senate
H. B. No. 175.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 175 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Present—Not Voting.

DeBerry.

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

The bill was read third time and
finally passed by the following vote:

Yeas—24.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Love.
Gainer.	Martin.
Greer.	McFarlane.

Miller.	Small.
Moore.	Stevenson.
Neal.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.

Present—Not Voting.

DeBerry.

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives
Austin, Texas, May 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 99, A bill to be entitled "An Act to amend Chapter 176 of the General Laws of the 38th Legislature, so as to increase the salary of the Judge of the County Court of Dallas County at Law No. 1 and the Judge of the County Court of Dallas at Law No. 2 etc., and declaring an emergency."

S. B. No. 100, A bill to be entitled "An Act to amend Section 10, of Chapter 25 of the General and Special Laws of the Regular Session of the 40th Legislature so as to increase the salary of the Judge of the County Criminal Court of Dallas County, Texas, etc., and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motion to Reconsider.

Senator DeBerry moved to reconsider the vote by which S. B. No. 10 was finally passed. The motion prevailed.

Senator Love sent up the following amendment:

Amend S. B. No. 10 by striking out at the end of Section 1, the following:

"provided that the provisions of this Act requiring the payment of high school tuition and reimburse-

ment of funds shall not apply to any district that does not levy and collect a local school tax of seventy-five cents on the one hundred dollars of taxable property; provided further that the payment of high school tuition shall be optional with trustees of districts that levy a lower tax than seventy-five cents on the one hundred dollars."

NEAL,
DeBERRY,
LOVE,
GREER.

Read and adopted unanimously.
The bill as amended finally passed by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Wirtz.
Hornsby.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

House Bill No. 155.

Senator Witt renewed his motion to take up H. B. No. 155. The motion prevailed by the following vote:

Yeas—22.

Berkeley.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Small.
Hornsby.	Stevenson.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.

Nays—3.

Beck.	Cunningham.
Cousins.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

Senator Wirtz moved to reconsider the vote by which the Senate voted to take up this bill.

Senator Witt moved as a substitute that the bill be made special order in the morning after the morning call.

House Bill No. 168.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 168, A bill to be entitled "An Act fixing the fees and compensation of county attorneys in counties having a population of not less than 37,500 nor more than 100,000 inhabitants, and in which counties there are one or more judicial districts, and which have no district attorney; authorizing the employment of deputies, assistants and stenographers to such county attorneys, and fixing the compensation for same; providing a method for the payment thereof; and providing that such county attorneys may collect fees for services rendered in corporation courts, specifying such fees, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 168 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

Senate Bill No. 142.

The Chair laid before the Senate on second reading the following bill:

By Senator Woodul:

S. B. No. 142, A bill to be entitled "An Act providing conditions under which co-insurance clauses may be used in fire insurance policies."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 142 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

House Bill No. 120.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 120, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121, of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said article the counties of Archer, Brooks, Goliad, Gray, Hutchinson, Jeff Davis, Jim Hogg, Leon, Live Oak, Montgomery, Potter, Panola, San Jacinto, Shackelford, Terrell, Throckmorton, Uvalde, Walker, Webb, Zapata and Zavala, and declaring an emergency."

The committee report was adopted.

The bill was read second time.

Senator Neal sent up the following amendment:

Amend by including Shelby County in the list of counties named in the bill and in the caption.

NEAL.

Read and adopted.

Senator Wirtz sent up the following amendment:

Amend H. B. No. 120 by adding the word Waller after the word Walker wherever same appears in the body and caption of the bill.

(Signed) WIRTZ.

Read and adopted.

The bill as amended passed to third reading.

On motion of Senator Neal the

constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 120 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

House Bill No. 63.

Senator Martin moved to take up the following bill:

By Mr. McDonald:

H. B. No. 63, A bill to be entitled "An Act to add to the Revised Civil Statutes of Texas for 1925 a new article to be known as Article 7047a, to provide for an occupation tax on the business or occupation of owning, operating, managing or controlling exchanges which furnish quotations on the stock market on certain commodities or stocks and bonds; pro-

viding said Act shall not apply to certain persons, firms, corporations, or associations of persons, and declaring an emergency."

Senator Holbrook moved to table the motion. The motion to table prevailed.

House Bill No. 95.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 95, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against all ablebodied male citizens of Cass County, Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax, and repealing all laws in conflict therewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Love.
DeBerry.	Martin.
Gainer.	McFarlane.
Greer.	Miller.

Moore.	Stevenson.
Neal.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Small.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

House Bill No. 126.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 126, A bill to be entitled "An Act amending Chapter 345 of the Special Laws passed by the First Called Session of the Thirty-ninth Legislature, so as to provide for the refunding of the outstanding bonded indebtedness of road district No. 9 of Houston County, Texas, by the commissioners' court of said county; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Patton the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 126 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

House Bill No. 55.

The Chair laid before the Senate on second reading the following bill:

By Mr. Sinks:

H. B. No. 55, A bill to be entitled "An Act to amend Article 7414 of the Revised Civil Statutes of 1925."

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 55 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Patton.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Miller.
DeBerry.	Parrish.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

House Bill No. 61.

Senator Berkeley moved to take up the following vote:

By Mr. McGill, Mr. Duvall and Mr. Beck:

H. B. No. 61, A bill to be entitled "An Act to amend Article 7117 of Chapter 5, of Title 122, of the Revised Civil Statutes of Texas, 1925 codification, so as to exempt from inheritance tax intangible personal property of a non-resident who was, at the time of his death, a resident of a State or Territory of the United States or of a foreign country which did not impose a transfer or inheritance tax of any character in respect of intangible personal property of residents of this State, or whose laws contained a reciprocal provision under which non-residents were exempt from such transfer or inheritance tax of such intangible personal property, provided the State or Territory or foreign country of the residence of such non-resident allowed a similar exemption to residents of the State, Territory or foreign country of the residence of such decedent, and declaring an emergency."

The motion prevailed by the following vote:

Yeas—21.

Beck.	Hornsby.
Berkeley.	Love.
Cunningham.	Martin.
DeBerry.	McFarlane.
Gainer.	Moore.
Greer.	Neal.
Holbrook.	Parrish.

Patton.
Pollard.
Small.
Stevenson.

Williamson.
Witt.
Woodul.

Absent.

Cousins.
Hardin.
Hyer.
Miller.
Parr.
Russek.
Thomason.
Westbrook.
Wirtz.
Woodward.

The bill was read second time and passed third reading.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 61 was put on its third reading and final passage, by the following vote:

Yeas—23.

Beck.
Berkeley.
Cunningham.
DeBerry.
Gainer.
Greer.
Hardin.
Holbrook.
Hornsby.
Love.
Martin.
McFarlane.
Moore.
Neal.
Parrish.
Patton.
Pollard.
Small.
Stevenson.
Williamson.
Wirtz.
Witt.
Woodul.

Absent.

Cousins.
Hyer.
Miller.
Parr.
Russek.
Thomason.
Westbrook.
Woodward.

Read third time and finally passed.

Senate Bill No. 105.

The Chair laid before the Senate on second reading the following bill:
By Senator Witt.

S. B. No. 105, A bill to be entitled "An Act relating to the selection of jurors in certain counties; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 105 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.
Berkeley.

Cousins.
Cunningham.
DeBerry.
Gainer.
Greer.
Hardin.
Holbrook.
Hornsby.
Love.
Martin.
McFarlane.
Moore.
Neal.
Parrish.
Patton.
Pollard.
Small.
Stevenson.
Williamson.
Wirtz.
Witt.
Woodul.

Absent.

Hyer.
Miller.
Parr.
Russek.
Thomason.
Westbrook.
Woodward.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.
Berkeley.
Cousins.
Cunningham.
DeBerry.
Gainer.
Greer.
Hardin.
Holbrook.
Hornsby.
Love.
Martin.
McFarlane.
Moore.
Neal.
Parrish.
Patton.
Pollard.
Small.
Stevenson.
Williamson.
Wirtz.
Witt.
Woodul.

Absent.

Hyer.
Miller.
Parr.
Russek.
Thomason.
Westbrook.
Woodward.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, May 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 194, A bill to be entitled "An Act to amend Chapter 3, Title 67 of the Revised Civil Statutes of Texas, by adding thereto Article 4056a, and by authorizing the Game Fish and Oyster Commissioner of Texas to lease the islands, reefs and bars within the tidewater limits of

Texas for occupation for hunting, bathing and fishing purposes."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 28 by a vote of 105 yeas, 7 nays and 1 present not voting.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

House Bill No. 65.

The Chair laid before the Senate on second reading the following bill:

By Mr. Savage:

H. B. No. 65, A bill to be entitled "An Act to amend Article 2963, Article 2965 and Article 2968 of the Revised Civil Statutes of Texas, relating to the mailing of poll tax receipts to certain persons, and providing for the mailing of poll tax receipts to property taxpayers subject thereto; and providing that the poll tax receipts for persons who are not citizens of the United States shall be marked 'Not entitled to vote,' and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 65 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Parr.	Thomason.
Hyer.	Westbrook.
Russek.	Woodward.

Read third time and finally passed.

Senate Bill No. 117.

The Chair laid before the Senate on second reading the following bill:

By Senator Greer:

S. B. No. 117, A bill to be entitled "An Act amending Section or Subdivision 3, of Article 199 of the Revised Civil Statutes of 1925, and changing the times of holding the terms of the District Court in the Third Judicial District of Texas; etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 117 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

Read third time and finally passed.

House Bill No. 19.

The Chair laid before the Senate on second reading the following bill:

By Mr. Turner and Mr. Long of Houston:

H. B. No. 19, A bill to be entitled "An Act providing for the compensation of certain employees of the State

penitentiary system, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator McFarlane the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 19 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Hyer.	Thomason.
Miller.	Westbrook.
Russek.	Woodward.

Read third time and finally passed.

House Bill No. 89.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 89, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the re-purchase of public school land forfeited and reappraised under Chapter 94, an Act approved October 19, 1925, for which application or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas application thereon, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 89 was put

on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.

Absent.

Hyer.	Thomason.
Miller.	Westbrook.
Parr.	Woodward.
Russek.	

The bill was read third time and finally passed by the following vote:

Yeas—23.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

DeBerry.	Russek.
Hyer.	Thomason.
Miller.	Westbrook.
Parr.	Woodward.

House Bill Referred.

H. B. No. 194 referred to Committee on State Affairs.

House Bill No. 167.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 167, A bill to be entitled "An Act amending Chapter 258, page 534, of the Regular Session Acts of the Forty-first Legislature, prohibiting the sale of fresh water fish during the months of March and April in Cass, Bowie, Morris, and Titus counties; providing a pen-

alty therefor, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 167 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.

Absent.

Hyer.	Thomason.
Miller.	Westbrook.
Parr.	Woodward.
Russek.	

The bill was read third time and finally passed.

House Bill No. 80.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Warwick:

H. B. No. 80, A bill to be entitled "An Act to ratify and adopt in principle the Canadian River Compact between the States of New Mexico, Texas and Oklahoma, executd on the 31st day of December, 1926, by the Commissioner of said States, which ratification and adoption is made subject to certain conditions, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 80 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Small.
Love.	Stevenson.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Neal.	

Absent.

Hyer.	Thomason.
Parr.	Westbrook.
Russek.	Woodward.

The bill was read third time and finally passed.

Senate Bill No. 36.

Senator Moore called up from the table S. B. No. 36.

Senator Pollard raised the point of order that no quorum was present. The roll call showed the following present:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	

Absent.

DeBerry.	Pollard.
Hardin.	Russek.
Hornsby.	Thomason.
Hyer.	Westbrook.
Miller.	Witt.
Parr.	Woodward.

Adjournment.

Senator Williamson moved to recess until 10:00 o'clock tomorrow morning.

Senator Wirtz moved to adjourn until 10:00 o'clock tomorrow. The motion prevailed and, at 10:25 o'clock p. m., the Senate adjourned.

APPENDIX.

Petitions and Memorials.

(TELEGRAM.)

Dallas, Texas, May 15, 1929.

Hon. Ed Westbrook, or

Hon. Thos. B. Love.

Senate Chamber, Austin, Texas.

I wish to enter my personal pro-

test against the House Bills numbered one, six, four and five. This undoubtedly would be a decided step backward in Texas Humanitarian Legislation. I trust you will use every effort to continue in force all protective laws now in effect for women workers in Texas.

LINNIE WRIGHT BARRETT,
Pres. Dallas League of Women
Voters.

Committee Reports.

Committee Room,
Austin, Texas, May 16, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
Penitentiaries, to whom was referred

H. B. No. 33, A bill to be entitled
"An Act to provide for the establishment of a Prison Reformatory within the State Prison System, and as a part thereof; providing for the methods of handling the young short term State prisoners, and for certain duties of the State Prison System, and for certain duties of the Texas Prison Board and prison management in connection therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

McFARLANE, Chairman.

By Tillotson, Coltrin et al H. B. 33.

A BILL

To Be Entitled

An Act to provide for the establishment of a Prison Reformatory within the State Prison System, and as a part thereof; providing for the methods of handling the young short term State prisoners, and for certain duties of the State Prison System, and for certain duties of the Texas Prison Board and prison management in connection therewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Texas Prison Board shall, as a part of the reorganized Prison System, establish a Prison Reformatory, and shall provide for its control and operation under necessary regulations formulated in pursuance of the provisions of this Act, and of the State Prison code.

Sec. 2. Any prisoner sentenced to the State Prison who is not more than twenty-four years of age on the date of his registration at the State Prison and who is serving under conviction for a first offense for a period not exceeding five years shall be eligible to be placed in the State Prison Reformatory. Provided, that in the discretion of the Prison Board, one convicted of a second offense may be placed in such Reformatory.

Sec. 3. The Prison Board shall provide such buildings and equipment of the Prison System for such Prison Reformatory purposes as may be deemed necessary, and shall provide from funds appropriated by the State for the purpose, for the administration and operation of the Prison Reformatory; and shall provide for teaching illiterates to read and write; shall provide for reasonable instruction in moral standards of living, and responsibilities of citizenship, and shall provide as far as found practicable, for giving to each of such prisoners an elementary training in some trade or occupation or form of employment calculated to enable the person receiving it to successfully maintain himself after the expiration of his term of service; and to this end may establish such manufacturing and other enterprises as shall be found practical and useful to the purpose. And the Board shall provide a unit of the Prison Farm System for the segregation and employment of the negro prisoners under the age of twenty-four years.

Sec. 4. The same credits allowed on the term of service of other State prisoners under the provisions of the Prison code shall be recognized in computing the term of service of those placed in the Reformatory. And the Prison Board shall employ a Superintendent of the Prison Reformatory with qualifications of training and experience for the duties of directing the operation and immediate supervision of the said Reformatory, and shall select and employ teachers and technical instructors and attendants as may be necessary and provide for their payment from Prison revenues, or from funds provided for the purpose.

Sec. 5. The Texas Prison Board shall use all reasonable diligence in providing for the establishment of a

service of assisting those State prisoners released from the Prison Reformatory with satisfactory records of discipline and intelligent labor, in securing forms of employment adapted to their training and abilities, and make reasonably diligent effort to encourage such former prisoners to retain regular employment and conduct themselves properly and be self-supporting and law-abiding citizens.

Sec. 6. All laws or parts of laws in conflict herewith are hereby repealed; and if any provision of this Act shall be held ineffective, such finding shall not affect other provisions.

Sec. 7. The fact that there is now no law providing for the establishment of a Prison Reformatory within the State Prison System or for a method of handling short term prisoners and the need at this time for such a law create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 16, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

H. B. No. 35, A bill to be entitled "An Act amending Article 6194 of the Revised Civil Statutes of 1925 so as to increase the rewards to be bestowed for good conduct to convicts serving sentences; repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

McFARLANE, Chairman.

By Keller.

H. B. No. 35.

A BILL To Be Entitled

An Act amending Article 6194 of the Revised Civil Statutes of 1925 so as to increase the rewards to be bestowed for good conduct to convicts serving sentence; repealing

all laws in conflict; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 6194 of the 1925 Revised Civil Statutes of Texas be amended so as hereafter to read as follows:

"Article 6194. In order to encourage prison discipline, a distinction shall be made in the treatment of convicts so as to extend to all such as are orderly, industrious and obedient, comforts and privileges according to their deserts. The rewards to be bestowed for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct shall be granted by the Board, and the following deductions shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a convict, viz: five days per month off the first year of sentence; seven and one-half days per month off the second year of sentence; ten days per month off the third year of sentence; twelve and one-half days per month off the fourth year of sentence; fifteen days per month off the fifth year of sentence and all succeeding years of sentence. A convict under two or more cumulative sentences shall be allowed a commutation as if they were all one sentence. For each sustained charge of misconduct in violation of any rule in any year of the term, the commutation allowed for one or more months of such year may be forfeited; for any sustained charge of escape, or attempt to escape, mutinous conduct, or other serious misconduct, all the commutation which shall have accrued in favor of the convict up to that day shall be forfeited, unless in case of escape the convict voluntarily returns without expense to the State, such forfeiture may be set aside by the Board. For extra meritorious conduct on the part of any convict, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon; and, if any convict has escaped and been captured, part or all of his good time thereby forfeited may be restored

by the Board, if in their judgment his subsequent conduct entitles him thereto."

Sec. 2. Should any provision of this law be held invalid such holding shall not in any manner affect any of the other provisions hereof, and all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that there are now deserving convicts who are not receiving proper consideration for their meritorious conduct creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 16, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 199, A bill to be entitled "An Act amending Article 5561 of the Revised Civil Statutes of the State of Texas 1925, so as to provide that officers and jurors in lunacy cases shall be allowed the same fees as are now allowed for similar services performed in misdemeanor cases to be paid out of the estate of the defendant if he have an estate, otherwise by the county on accounts approved by the county judge."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, May 16, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 80, A bill to be entitled "An Act to ratify and adopt in principle the Canadian River Compact between the State of New Mexico, Texas and Oklahoma, executed on the 31st day of December, 1926, by the

Commissioners of said States, which ratification and adoption is made subject to certain conditions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, May 16, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 137, A bill to be entitled "An Act validating the sale of real estate by executors and administrators when citation was published as provided in Chapter 179, Acts Regular Session 1917, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

WIRTZ, Chairman.

Committee Amendment No. 1.

Amend the Bill by making Section 1 read as follows:

Section 1. Any and all acts or proceedings of executors, administrators and guardians heretofore performed or had pursuant to notice, citation or process of any kind are each and all hereby validated whether such notice, citation or process was published or posted. Any and all probate acts or proceedings of any kind heretofore performed or had by any probate court or by its officers or agents pursuant to notice, citation or process of any kind are each and all hereby validated, whether such notice, citation or process was published or posted. Any and all such acts and proceedings are hereby validated even though the notice, citation or process was published when the law required the same to be posted, and any and all such acts and proceedings are hereby validated even though the notice, citation or process was posted when the law required the same to be published.

Committee Amendment No. 2.

Amend said Bill by renumbering

Section 1 of House Bill No. 137 and make it become Section 2 of said Bill.

Committee Room,
Austin, Texas, May 16, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

H. B. No. 92, A bill to be entitled "An Act relating to banks and bank and trust companies; amending Article 535, Revised Civil Statutes of 1925 and prescribing the method of transfer of stock of banks and bank and trust companies, making the record owner liable as stockholder and providing for the joining of transferor and transferee of stock in case of suit; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK.

Committee Room,
Austin, Texas, May 16, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

H. B. No. 93, A bill to be entitled "An Act relating to banks, and bank and trust companies; enacting Article 517a, Revised Civil Statutes of 1925 and providing against preferences in favor of depositors of banks and bank and trust companies by pledging the assets of such corporations; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Vice-Chairman.

Committee Room,
Austin, Texas, May 16, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 14, A bill to be entitled "An Act to amend Articles 2741 and 2742 of the Revised Civil Statutes of

1925 relating to the establishment of common school districts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Harman.

H. B. No. 14.

A BILL

To Be Entitled

An Act to amend Articles 2741 and 2742 of the Revised Civil Statutes of 1925 relating to the establishment of common school districts; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2741 of the Revised Civil Statutes of 1925 be amended so as to hereafter read as follows:

"Article 2741. The commissioners' court of all organized counties not already having county school trustees, shall appoint seven county school trustees, who shall serve until the next succeeding election for school trustees. Said trustees shall qualify by taking the oath of office, and organize by electing a president and secretary. Said board of trustees shall subdivide their respective counties into convenient common school districts and designate them by number. Any county hereafter organized shall be so subdivided before the beginning of the next ensuing school year after its organization.

"The county school trustees of any organized county to which any unorganized county is attached for judicial purposes, may, and upon petition of not less than ten resident citizens of such unorganized county, shall create such unorganized county into one or more school districts and shall cause an order to that effect to be entered upon the minutes of said county trustees, and a copy thereof to be recorded by the county clerk in the 'Record of School Districts'."

Sec. 2. That Article 2742 of the Revised Civil Statutes of 1925 be amended so as to hereafter read as follows:

"Article 2742. Said county school trustees shall give the metes and bounds of each district, when creat-

ing school districts, and shall designate the same carefully by giving the whole survey and parts of surveys with acreage of whole surveys and approximate acreage of parts of surveys in each district, and the county clerk shall carefully record the same; and each district shall be given a number which shall be painted in large letters or figures over the doors of the schoolhouses, said signs to be provided by the district trustees of each district."

Sec. 3. The fact that the Articles herein amended are in conflict with other statutes and the further fact that the law relating to the establishment of common school districts is vague and indefinite create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this bill be placed upon its third reading and final passage and take effect from and after its passage, therefore be it enacted

Committee Room,

Austin, Texas, May 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 164, A bill to be entitled "An Act amending Article 5172 of the Revised Civil Statutes of 1925 by making further exceptions to Article 5168, 5169, 5170, 5171, of the Revised Statutes of 1925, said exceptions being as to superintendents, matrons and nurses and attendants employed in orphans' homes, and to employees of any State eleemosynary institution; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the attached committee amendments, and that it be printed in the Journal but not otherwise.

WESTBROOK, Chairman.

Committee Amendment.

Amend H. B. No. 164 by striking out the word "attendants" wherever it appears in the body and caption of the bill.

By Negley and
Hubbard.

H. B. No. 164

A BILL

To Be Entitled

An Act amending Article 5172 of the Revised Civil Statutes of 1925 by making further exceptions to Articles 5168, 5169, 5170, 5171 of the Revised Statutes of 1925, said exceptions being as to superintendents, matrons and nurses and attendants employed in orphans' homes, and to employees of any State Eleemosynary Institution; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5172 of the Revised Statutes of 1925 be, and the same is hereby, amended so as to hereafter read as follows:

"Article 5172. Exceptions. The four preceding Articles shall not apply to stenographers and pharmacists, nor to mercantile establishments, nor telegraph and telephone companies in rural districts, and in cities or towns or villages of less than three thousand inhabitants as shown by the last preceding Federal census, nor to superintendents, matrons and nurses and attendants employed by, in, and about any Orphans' Home within this State, nor to any superintendents, matrons, nurses and attendants of any State Eleemosynary Institution. In cases of extraordinary emergencies such as great public calamities, or where it becomes necessary for the protection of human life or property, longer hours may be worked, but for such time not less than double time shall be paid such female with her consent.

Sec. 2. The fact that Articles 5168, 5169, 5170, and 5171 apply to Orphan Homes and that such application must necessarily reduce the amount and effectiveness of charitable work done in such institutions and the further fact that the nature of the work done in such institutions requires that the attendance be available at all times, creates an emergency and an imperative public necessity exists demanding that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force

from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 16, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred,

H. B. No. 165, A bill to be entitled "An Act to amend Article 1571 of the Penal Code of the State of Texas, 1925, by making further exceptions to Articles 1569, 1570 of the Penal Code of the State of Texas, said exceptions being as to superintendents, matrons, nurses and attendants employed in orphan homes, and to superintendents, matrons, nurses and attendants of any State Eleemosynary Institution."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that said bill do pass, with the attached committee amendments, and that it be printed in the Journal but not otherwise.

WESTBROOK, Chairman.

Committee Amendment.

Amend House Bill No. 165 by striking out the word "attendants" wherever it appears in the body and caption of the bill.

By Negley et-al H. B. No. 165
A BILL

To Be Entitled

An Act to amend Article 1571 of the Penal Code of the State of Texas, 1925, by making further exceptions to Articles 1569, 1570 of the Penal Code of the State of Texas, said exceptions being as to superintendents, matrons, nurses and attendants employed in Orphan Homes, and to superintendents, matrons, nurses and atten-

dants of any State Eleemosynary Institution; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1571 of the Penal Code of the State of Texas, 1925, be and the same is hereby amended, so as to hereafter read as follows:

"Article 1571. Exceptions. The two preceding Articles shall not apply to stenographers and pharmacists, nor to mercantile establishments or telegraph or telephone companies in rural districts and in cities or towns or villages of less than three thousand inhabitants, as shown by the preceding Federal census, nor to superintendents, matrons, nurses and attendants employed by, in, and about any Orphans' Home within this State, nor to superintendents, matrons, nurses and attendants of any State Eleemosynary Institution. In cases of extraordinary emergencies, such as great public calamities or where it becomes necessary for the protection of human life or property, longer hours may be worked.

Sec. 2. The fact that Articles 1569, 1570 apply to Orphan Homes and that such application must necessarily reduce the amount and effectiveness of charitable work done in such institutions, and the further fact that the nature of the work done in such institutions requires that the attendants be available at all times, creates an emergency, and an imperative public necessity demanding that the Constitutional Rule requiring bills to be read on three several day in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

S. C. R. No. 10.

The Chair recognized Senator Holbrook who read the following resolution:

IN MEMORIAM

One by one those great soldiers and statesmen who fought the battles and framed the policies of State during the early history of this imperial commonwealth have found rest with their fathers, beyond the shadowy lines of life and light everlasting. Nearly all of them have heard the last drum tap and the reveille of their youthful years now calls them to "attention."

"On fame's eternal camping ground,
Where silent tents are spread,
And glory guards with solemn round
The bivouac of the dead."

Such a one was Joseph Draper Sayers, who passed quietly from the picture of these earthly scenes at his home in Austin on yesterday morning. Governor Sayers was more than a soldier and a statesman—he was an outstanding citizen in every walk of life. Born in Grenada, Miss., on September 23, 1841, he removed with his parents to Bastrop, Texas, in 1851, which place he called "home" during the remainder of his life; and in whose bosom he will find rest until the resurrection morn. How fitting it is that the same community which nurtured him in childhood, stood by him in manhood, and honored him in all of his worldly works, will receive him today in the habiliments of death; that it may have the privilege of keeping vigil about his sleeping dust.

Governor Sayers lived a long and useful life, filled with heroic deeds and magnificent achievements. He fought valiantly in the cause of the Confederacy throughout the Civil War, and was among the last, if not the last, survivor of Tom Green's Brigade. He was wounded at the Battle of Val Verde, again at the Battle of Mansfield, and on both occasions exhibited that rare courage and fortitude which only a soldier of the highest type can.

After the war he returned to Bastrop where he studied law and was admitted to the bar in 1866, and immediately began the practice of his chosen profession. He rose to prominence rapidly, and soon became a

leader in the legal, fraternal and political life of the State. He was elected Grand Master of Masons in Texas in 1875 and at the time of his death was the oldest living Past Grand Master, which distinction he had held for many years. In 1872 he was elected to the State Senate, was Chairman of the State Democratic Executive Committee in 1875, and was Lieutenant Governor during Governor Roberts' first term, which began in 1879. He was elected to Congress in 1884, where he served until 1899 when he became Governor of Texas. His career in Congress was impressive. Throughout that period of his life both parties at the nation's Capital looked upon him as a real leader of men. For twelve years he was a member of the Appropriation Committee, a part of which time he was Chairman. His terms as Governor of this State were no less distinctive, and the people of my section can never forget the honest, capable and humanitarian way in which he handled the flood situation which swept nearly all of the property and snuffed out more than six thousand lives in the City of Galveston.

Governor Sayers' life was so long and useful that it would be impossible to recount his many virtues. Historians of the future will give it to the world in piece meal. Suffice it to say here that this generation had come to look upon him much as they would an institution of the State. We viewed him as a great commoner among the democrats of the nation, and saluted him as the last patriarch among our governors of reconstruction fame.

He has journeyed home to join those intrepid immortals whose memories are enshrined in the history and tradition of Texas. With Coke and Sul Ross, Roberts and Latham, he stands at attention; in a land of eternal sunshine and unfading flowers for which a life of service had made him worthy.

Mindful of the debt of gratitude which his adopted State owes to this distinguished citizen and remembering the great love his friends and associates had for him, it is resolved by the Senate of Texas, the House of Representatives concurring, that a page be set aside in the Journals

of the Senate and of the House, on which this memorial may be printed, and that a copy of same be mailed to each member of the family of Governor Sayers.

Resolved further, that when the Senate and the House adjourn at noon today they shall do so out of respect to the memory of the deceased, and that the Lieutenant Governor appoint two members of the Senate and the Speaker of the House appoint three members of the

House to attend the funeral as representatives of these respective bodies.

Holbrook, Hornsby, Gainer, Woodward, Beck, Berkeley, Cousins, Cunningham, DeBerry, Greer, Hardin, Hyer, Love, Martin, McFarlane, Miller, Moore, Neal, Parr, Parrish, Patton, Pollard, Russek, Small, Stevenson, Thomason, Westbrook, Williamson, Wirtz, Witt, Woodul.

The resolution was unanimously adopted by a rising vote.
